

No. 11(112)-80-3Lab/7010.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act. No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Usha Spinning and Weaving Mills Limited, 12/1, Mathura Road, Faridabad.

BEFORE SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, HARYANA,
FARIDABAD

Reference No. 9 of 1979

between

SHRI P. R. SIVANKUTTY NAIR, WORKMAN AND THE MANAGEMENT OF M/S USHA
SPINNING AND WEAVING MILLS LIMITED, 12/1 MATHURA ROAD, FARIDABAD

Present.—

None, for the workman.

Shri R. N. Rai, for the management.

AWARD

This reference No. 9 of 1979 has been referred to this Court by the Hon'ble Governor of Haryana,— vide his order No. FD/148-79/49535, dated 22nd November, 1979, under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri P. R. Sivankutty Nair, workman and the management of M/s Usha Spinning and Weaving Mills Limited, 12/1, Mathura Road, Faridabad. The terms of the reference was—

“Whether the termination of services of Shri P. S. Sivankutty Nair was justified and in order? If not, to what relief is he entitled?”

After receiving this reference notices were issued to both the parties. On 24th January, 1980, Shri K. L. Sharma, C-15, Press Colony, NIT, Faridabad whose address the workman had given on his demand notice appeared personally in this court and made a statement “The workman has given my address in his reference. I have tried my best to contact the workman but I could not find him and myself do not want to continue this reference because I have no authority and I also do not know his present address.”

On the statement of Shri K. L. Sharma, this court proceeded *ex parte* against the workman and the case was fixed for the *ex parte* evidence of the management for 29th January, 1980. On 5th May, 1980 the *ex parte* evidence of the management was recorded in which the management produced one witness as MW-1 Sh. Madan Gopal Aggarwal, Head Time Keeper of the respondent Company. He told in his statement that this workman was asked by the management respondent to join his duty but he did not do so. In April, 1979 his name had been struck off the roll of the management.

In the above circumstances the un rebutted statement of the management is relied upon and it is held that the reference is bad as no claim is made out of the workman against the management. Therefore, I give my award accordingly. No order as to costs. This may be read in answer of this reference.

Dated 5th May, 1980.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 783, dated 8th May, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.